

1 BARRY J. PORTMAN  
Federal Public Defender  
2 ANGELA M. HANSEN  
Assistant Federal Public Defender  
3 555 - 12th Street, Suite 650  
Oakland, CA 94607-3627  
4 Telephone: (510) 637-3500  
5 Counsel for Defendant SUREN

6  
7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,	)	No. 4-10-70784-MAG
	)	
11 Plaintiff,	)	STIPULATION AND ORDER
	)	CONTINUING STATUS HEARING,
12 v.	)	WAIVING THE TIMING FOR A
	)	PRELIMINARY HEARING AND
13 JANE DOE, a/k/a "NAVCHAA SUREN,"	)	EXCLUDING TIME UNDER THE
	)	SPEEDY TRIAL ACT
14 Defendant.	)	
	)	
15	)	Hearing Date: December 16, 2010
	)	Time: 9:30 a.m.

---

16  
17 The above-captioned matter is set on December 16, 2010 before this Court for a status  
18 hearing. The parties jointly request that the Court continue the matter to January 12, 2011 at  
19 10:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§  
20 3161(h)(7)(A) and (B)(iv), between December 16, 2010 and January 12, 2011.

21 Defendant Navchaa Suren was charged out of the Western District of New York with  
22 making false statements to an immigration officer, in violation of 18 U.S.C. § 1001(a)(2). On  
23 September 3, 2010, Ms. Suren made an initial appearance in this district and was released on a  
24 bond. The current status of this case is that counsel for Ms. Suren has negotiated a Rule 20  
25 disposition under the Federal Rules of Criminal Procedure with the United States Attorney's  
26 Office in the Western District of New York. The parties need additional time to prepare this

1 matter for the Rule 20 proceedings. Defense counsel also needs additional time to collect  
2 immigration records, to investigate the immigration consequences of this matter and to review  
3 the discovery with Ms. Suren.

4 For these reasons, Ms. Suren agrees to waive the timing of a preliminary hearing under  
5 Rule 5.1 of the Federal Rules of Criminal Procedure. The parties agree that this waiver covers  
6 all time between the date of this stipulation and January 12, 2011.

7 The parties also agree that the failure to grant this continuance would unreasonably deny  
8 counsel for defendant the reasonable time necessary for effective preparation, taking into  
9 account the exercise of due diligence. Accordingly, the parties stipulate and agree that the ends  
10 of justice served by this continuance outweigh the best interest of the public and the defendant in  
11 a speedy trial. The parties further agree that the period of time from December 16, 2010 until  
12 January 12, 2011 should be excluded in accordance with the provisions of the Speedy Trial Act,  
13 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking into  
14 account the exercise of due diligence.

15  
16 DATED: December 9, 2010

\_\_\_\_\_/S/  
JOSHUA HILL  
Assistant United States Attorney

17  
18  
19 DATED: December 9, 2010

\_\_\_\_\_/S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. Given that the defense has negotiated a Rule 20 disposition with the United States Attorney in the Western District of New York and that the parties need additional time to process the Rule 20 paperwork;

2. Given defense counsel's need to review the discovery in this case;

3. Given that defense counsel needs time to collect immigration records and to assess the immigration consequences of a conviction in this matter;

4. Given that defendant agrees to waive the timing of a preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure;

5. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

6. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of December 16, 2010, scheduled at 9:30 a.m., is vacated and reset for January 12, 2011 at 10:00 a.m., before the sitting United States Magistrate Judge. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from December 16, 2010 to January 12, 2011. It is further ordered that the timing of the preliminary hearing is waived between December 16, 2010 through January 12, 2011.

December 13, 2010



DONNA M. RYU  
United States Magistrate Judge